

REMARKS/ARGUMENTS

The Examiner is requiring election of one of the compounds shown on pages 239-244 of the specification, which are designated SYNTHETIC EX. 1-105.

Applicants hereby elect from the compounds shown on pages 239-244 of the specification SYNTHETIC EX. 56 and identify Claims 38-40, 51, 55-57 and 68 as readable on the elected species.

This requirement for election is traversed on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. M.P.E.P. §808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the election requirement is improper, and Applicants' election of species is for examination purposes only.

With respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species. In this regard, the Examiner is requested to search the species in the following order of priority:

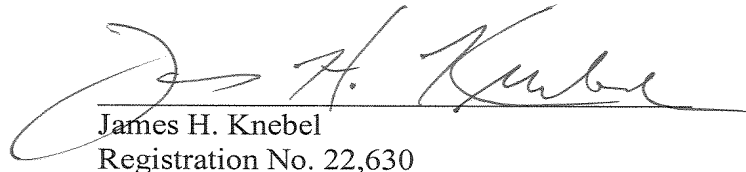
Synthetic Example	Claims encompassing the species
33	Claims 38, 39, 40, 51, 55, 56, 57 and 68
97	Claims 43, 44, 60 and 61
7	Claims 43, 44, 60 and 61
11	Claims 43, 44, 60 and 61
26	Claims 38, 39, 40, 51, 55, 56, 57 and 68
93	Claims 38, 39, 40, 51, 55, 56, 57 and 68
77	Claims 38, 39, 41, 51, 55, 56, 58 and 68
92	Claims 38, 39, 41, 51, 55, 56, 58 and 68
64	Claims 38, 39, 40, 51, 55, 56, 57 and 68
99	Claims 43, 44, 60 and 61

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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